

A circular black and white stamp. The outer ring contains the text "OIPE" at the top and "PATENT & TRADEMARK OFFICE" at the bottom. The center of the stamp contains the date "JAN 08 2004". To the right of the stamp, the text "JC34" is visible.

Attorney Docket No. 01975-0034-00000

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Group VII, claims 25 and 64, in so far as they are drawn to a diagnostic method involving the detection of a genetic mutation;

Group VIII, claims 25 and 64, in so far as they are drawn to a diagnostic method involving the quantitation of a polypeptide in a sample;

Group IX, claim 37, drawn to a method of creating a transgenic animal;

Group X, claims 65 to 67, drawn to a binding assay not requiring an isolated polynucleotide or isolated protein;

Group XI, claims 27, 30, 49, 57, 59, drawn to an agonist of unspecified constitution; and

Group XII, claims 32, 35, 51, 58, drawn to an antagonist of unspecified constitution.

Applicants provisionally elect to prosecute Group I, claims 1, 2, 5 to 21, 26, 28, 29, 31, 33, 34, 36, 38 to 48, 50, 52 to 56, 60, 68 and 69, drawn to an isolated nucleic acid encoding an IGS4 neuromedin receptor protein, the protein encoded thereby, and methods of use, with traverse. Furthermore, Applicants provisionally elect the species of SEQ ID NO: 2 or 6, also with traverse. Claims 1, 2, 5 to 21, 26, 28, 29, 31, 33, 34, 36, 38 to 48, 50, 52 to 56, 60, 68 and 69 are readable on this species.

Applicants traverse this Restriction Requirement because all of the claims relate to the IGS4 G-protein coupled receptors. Although the Office suggests that there are differences in the structure and utility of the claimed embodiments of the invention, such as nucleic acids, proteins, antibodies, etc., each of these embodiments relates to the one inventive concept of the novel G-protein coupled receptors. Furthermore, the Office has not indicated the classes of search that must be conducted for each of the groups of claims to show that they present an undue burden. "If the search and examination of

an entire application can be made without serious burden, the examiner must examine it on the merits even though it includes claims to independent or distinct inventions."

(M.P.E.P. § 803) Therefore, Applicants respectfully request that the Restriction Requirement be withdrawn.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: January 8, 2004

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